REMARKS/ARGUMENTS

The Invention

The invention relates to graphical presentation of contig-component relationships, genomics, and gene discovery.

Status of the Claims

Claims 1-28 are cancelled.

Claims 29 and 36 are objected to because of informalities.

Claims 29 and 36 are rejected under 35 U.S.C. §112, second paragraph

Claim 36 is further rejected under 35 U.S.C. §101

Allowable Subject Matter

The Examiner indicates that claim 29 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, as set forth in the Office action.

Response to claim objections

The Examiner objects to informalities in the claim language. In particular, the Examiner objects that in claim 29, line 10 requires a comma after the word "redundancy". The Examiner also objects that lines 13-14 refer to "corresponding an assembled contig". The Examiner explains that: "It is believed that that the aforementioned recitation was intended to refer to "corresponding to an assembled contig".

The Examiner objects that in claim 36, line 8 refers to "cluster ESTs". The Examiner explains that: "It is believed that that the aforementioned recitation was intended to refer to "clustering ESTs". The Examiner also objects that line 16 refers to "corresponding an assembled contig". The Examiner explains that: "It is believed that that the aforementioned recitation was intended to refer to "corresponding to an assembled contig".

Applicants thank the Examiner for pointing out the oversights. Appropriate corrections have been made.

Response to Claim Rejections

Under 35 U.S.C. §112, second paragraph

The Examiner rejects claims 29 and 36 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29

The Examiner rejects claim 29 because the Examiner states that it is unclear whether the recited limitation "contributions of ESTs" in line 16 is intended to be the same or different from the ESTs recited in line 3 of the claim.

The Examiner also points to line 16 wherein the limitation "source library" is recited. The Examiner states that it is unclear whether this recitation is intended to be the same or different from the source library recited in lines 2, 7, and 11 of the claim.

Applicants have amended claim 29 as suggested to improve clarity. In particular, Applicants have amended claim 29 to clarify that "contributions of ESTs" in line 16, refers to that subset of ESTs comprising the plurality of EST source libraries in line 3, which have been used to assemble the "at least one contig" being displayed by plotting the particular "at least one" symbol.

Similarly, Applicant has amended claim 29 to clarify that the source libraries recited in line 16 are that subset of the plurality of source libraries recited in lines 2, 7, and 11 which have been used to assemble a particular "at least one" contig.

Applicants have amended dependent claims 30, 31, 32, and 35 to correspond with the amendments to claim 29.

Claim 36

The Examiner rejects claim 36, stating that: "Claim 36 contains similar types of deficiencies as those described with respect to claim 29, the number and nature of which are too numerous to mention each individually." The Examiner reminds Applicant that these deficiencies, though not specifically noted, also need correction.

Applicants have made amendments to claim 36 that correspond to the amendments made to claim 29.

Applicants believe that the amendments to claim 29 and 36 have clarified the language of the claims as requested by the Examiner. Thus, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

Under 35 U.S.C. §101

The Examiner rejects claim 36 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. In particular, the Examiner the Examiner states: "It is noted that the limitations of the claims may be considered to be software, per se, since the claims fail to recite a functional relationship between the computer software and hardware components which permit the software's function to be realized. Since a computer program is merely a set of instructions capable of being executed by a program, the computer program itself is not a process and is non-statutory functional descriptive material."

Applicants have amended claim 36 to recite: "A computer readable storage medium having computer program for displaying contig-component relationships stored thereon…" Thus, the claim recites an article of manufacture which is statutory subject matter.

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §101.
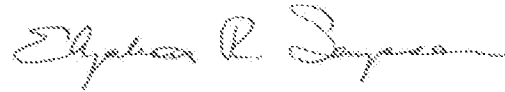
CONCLUSION

In order to claim the invention more particularly, Applicants respectfully submit claims 29-36 for continued examination. Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-559-6066.

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PATENT

Respectfully submitted,

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